

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA

James E. Jackson,

Plaintiff,

vs.

Chicago Bridge & Iron,

Defendant.

Civil Action No.: 6:16-1905-BHH

ORDER AND OPINION

Plaintiff James E. Jackson ("Plaintiff"), proceeding pro se, filed this action against Chicago Bridge & Iron ("Defendant"), for failure to hire him. He alleges violations of the Americans with Disabilities Act of 1990 ("ADA") and the Age Discrimination in Employment Act of 1967 ("ADEA"), asserting the Defendant discriminated against him because of his age and because he appeared to be in ill health. (ECF No. 1.) In accordance with 28 U.S.C. § 636(b) and Local Civil Rule 73.02(B), D.S.C., this matter was referred to United States Magistrate Judge Jacquelyn D. Austin for pre-trial handling and a Report and Recommendation ("Report").

On January 30, 2017, Magistrate Judge Austin issued a Report recommending that this action be dismissed *without prejudice* for failing to complete service, pursuant to Rule 4(m). (ECF No. 21.) The Magistrate Judge advised Plaintiff of the procedures and requirements for filing objections to the Report and Recommendation and the serious consequences if he failed to do so. (*Id.* at 3.) Plaintiff filed no objections, and the time for doing so expired on February 16, 2017.

The Magistrate Judge makes only a recommendation to this Court. The recommendation has no presumptive weight. The responsibility for making a final determination remains with this Court. *Mathews v. Weber*, 423 U.S. 261, 270 (1976). The Court may accept, reject, or modify, in whole or in part, the Report and Recommendation or may recommit the matter to the Magistrate Judge with instructions. 28 U.S.C. § 636(b)(1). In the absence of a timely filed objection, a district court need not conduct a de novo review, but instead must “only satisfy itself that there is no clear error on the face of the record in order to accept the recommendation.” *Diamond v. Colonial Life & Acc. Ins. Co.*, 416 F.3d 310, 315 (4th Cir. 2005).

After a careful review of the record, the applicable law, and the Report and Recommendation, the Court finds the Magistrate Judge’s recommendation to be proper. Accordingly, the Report and Recommendation is incorporated herein by reference and this action is DISMISSED *without prejudice*.

IT IS SO ORDERED.

/s/Bruce Howe Hendricks
United States District Judge

February 23, 2017
Greenville, South Carolina

NOTICE OF RIGHT TO APPEAL

The parties are hereby notified that any right to appeal this Order is governed by Rules 3 and 4 of the Federal Rules of Appellate Procedure.